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N.J.A.C. 7:14B
UNDERGROUND STORAGE TANKS

Statutory authority

N.J.S.A. 13:1D et seq., 13:1E et seq., 13:1K-6 et seq., 58:10-23.11a et seq., 58:10A-1 et seq., 58:10A-21 et seq., and 58:10B-1 et seq.

Date last amended

October 3, 2011

For the regulatory history and effective dates see the Administrative Code

Rule expiration date

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from April 18, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq.

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SUBCHAPTER 9. OUT-OF-SERVICE UNDERGROUND STORAGE TANK SYSTEMS AND CLOSURE OF UNDERGROUND STORAGE TANK SYSTEMS

7:14B-9.1 Out-of-service underground storage tank systems

(a) The owner or operator of an underground storage tank system which is out-of-service shall:

1. Notify the Department of such in writing, on forms obtained from the Department within five calendar days of the tank becoming out of service. The information shall include:

- i. The location of the underground storage tank facility;
- ii. The underground storage tank facility registration number;
- iii. The underground storage tank number; and
- iv. A description of the activity being performed.

2. Remain in compliance with all applicable environmental rules, including N.J.A.C. 7:14B-7 and 7:26E;

3. Maintain release detection monitoring in accordance with N.J.A.C. 7:14B-6.1 and 6.2 or 6.1 and 6.3;

4. Maintain all existing corrosion protection systems pursuant to N.J.A.C. 7:14B-4.1, 4.2 and 5.2;

5. Install spill and overfill prevention and corrosion protection in accordance with the requirements of N.J.A.C. 7:14B-4.1 and 4.2 for systems which do not have these.

(b) The owner or operator of an underground storage tank system which is out-of-service for a period greater than three months shall follow the guidelines in the American Petroleum Institute Publication 1604, "Closure of Underground Petroleum Storage Tanks" titled "Temporarily Out-of-Service," incorporated herein by reference, as amended and supplemented, no later than the end of the third month in which the system is out-of-service.

(c) The owner or operator of an underground storage tank system may request that the underground storage tank system remain out of service for a period of more than 12 months without having to close the tank system as required in (d) below by:

1. Submitting to the Department a site investigation report prepared and presented in accordance with N.J.A.C. 7:26E-3.13 at least 30 calendar days prior to the expiration of the 12-month period referenced in (c) above; or

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2. Submitting documentation at least 30 calendar days prior to the expiration of the 12-month period referred to in (c) above that the requirements of (a)3 above have been completed and that the system has had a release detection monitoring system operated in accordance with N.J.A.C. 7:14B-6.1 through 6.6 indicating that no discharge of hazardous substances has occurred during the operational life of the system or since the performance of a site investigation or remedial investigation performed in accordance with the provisions of N.J.A.C. 7:26E.

(d) Any underground storage tank system which is out of service for greater than 12 months without complying with the requirements of (c) above shall be closed in accordance with N.J.A.C. 7:14B-9.2 through 9.3.

(e) An individual certified in subsurface evaluation or a licensed site remediation professional shall be involved as follows:

1. An individual certified in subsurface evaluation in accordance with N.J.A.C. 7:14B-13 shall be on site during the removal or abandonment-in-place of the underground storage tank system and make all observations and decisions regarding site investigation and remedial investigation activities when those activities were initiated prior to November 4, 2009; and

2. A licensed site remediation professional shall supervise all tank closure and site investigation activities required under this section, and shall ensure that those activities are conducted in accordance with the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.4, when those activities are initiated on or after November 4, 2009.

7:14B-9.2 Closure requirements for underground storage tank systems containing hazardous substances which are not hazardous wastes

(a) The owner or operator of an underground storage tank system containing hazardous substances which are not hazardous wastes who intends to close the underground storage tank system shall:

1. Notify the Department and all applicable municipal and county health departments of the closure activity in writing on forms provided by the Department at least 30 calendar days prior to the anticipated closure date. This notification shall include:

- i. The facility registration number;
- ii. A statement as to whether the tank system is being removed or abandoned in place in accordance with N.J.A.C. 7:26E-6.3(b);
- iii. The date the underground storage tank system is to be closed;

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iv. The certification numbers and categories of service of the business firm(s) performing the closure activities and subsurface evaluation required pursuant to N.J.A.C. 7:14B-13 or the license number of the licensed site remediation professional, if applicable;

v. Any additional information of the person submitting the notification as required by the Department in order that the closure shall be performed in accordance with this chapter.

2. Comply with all applicable requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23;

3. Include a copy of the Department notification required in (a)1 above with the application for a local demolition permit; and

4. If the facility is not registered as required by N.J.A.C. 7:14B-2.2, the owner or operator shall submit to the Department a completed New Jersey Underground Storage Tank Registration Questionnaire with the appropriate fee as specified by N.J.A.C. 7:14B-3.2(c) and 3.5 at least 60 calendar days prior to the date of tank closure.

(b) The owner or operator who intends to close an underground storage tank containing hazardous substances which are not hazardous wastes shall develop and implement a closure plan which consists of a site investigation work plan and a tank decommissioning plan which includes the procedures set forth at N.J.A.C. 7:26E-6.3(b). The owner or operator shall keep the closure plan at the facility and make it available for inspection by the Department, the local construction code enforcement official, or a county or municipal health official.

(c) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, the owner or operator of an underground storage tank system may choose to submit a closure plan to the Department for review. The appropriate fees pursuant to N.J.A.C. 7:14B-3.5 shall accompany the closure plan.

(d) The owner or operator of an underground storage tank system shall ensure the system is closed by either:

1. An individual certified for closure in accordance with N.J.A.C. 7:14B-13 when closure was initiated prior to November 4, 2009; or

2. A licensed site remediation professional when closure is initiated on or after November 4, 2009.

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7:14B-9.3 Closure requirements for underground storage tank systems containing hazardous wastes

(a) The owner or operator of an underground storage tank system regulated by the New Jersey Hazardous Waste Regulations, N.J.A.C. 7:26, shall follow the closure procedures in that chapter (see N.J.A.C. 7:26-9).

(b) The owner or operator of an underground storage tank system containing hazardous waste which is exempt from the requirements of the New Jersey Hazardous Waste Regulations, N.J.A.C. 7:26, shall comply with the closure procedures in N.J.A.C. 7:14B-9.2.

(c) The owner or operator of an underground storage tank system shall ensure the system is closed by either:

1. An individual certified for closure in accordance with N.J.A.C. 7:14B-13 when closure was initiated prior to November 4, 2009; or

2. A licensed site remediation professional when closure is initiated on or after November 4, 2009.

(d) An individual certified in subsurface evaluation or a licensed site remediation professional shall be involved as follows:

1. An individual certified in subsurface evaluation in accordance with N.J.A.C. 7:14B-13 shall be on site during the removal or abandonment-in-place of the underground storage tank system and make all observations and decisions regarding site investigation and remedial investigation activities when those activities were initiated prior to November 4, 2009; and

2. A licensed site remediation professional shall supervise all tank closure and site investigation activities required under this section, and shall ensure that those activities are conducted in accordance with the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.4, when those activities are initiated on or after November 4, 2009.

7:14B-9.4 Change in service to a nonregulated substance

(a) The owner or operator of an underground storage tank system in which the substance being stored is being changed to a substance not regulated by this chapter shall:

1. Prior to storing the nonregulated substance, empty and clean the tank by removing all liquid and accumulated sludge;

2. Prior to storing the nonregulated substance, conduct a site investigation of the underground storage tank system in accordance with N.J.A.C. 7:26E-3; and

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3. Conduct a site investigation of the underground storage tank system in accordance with the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-3 and the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E-3.

(b) Should a discharge of hazardous substances be identified during (a) above, the owner or operator shall notify the Department's Environmental Action Hotline in accordance with N.J.A.C. 7:14B-7.3(a) and shall conduct remediation in accordance with the requirements of the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C.

(c) The owner or operator shall submit a New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.5(c) that documents the change of substance.

7:14B-9.5 Recordkeeping requirements

(a) The owner or operator of an underground storage tank shall, within 270 calendar days of initiation of closure activities, such as breaking ground for removal or cleaning for abandonment, conduct a site investigation in accordance with the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-2.4 and the Technical Requirements for Site Remediation rules at N.J.A.C. 7:26E-3.3(e).

(b) As required pursuant to N.J.A.C. 7:14B-1.8, the report described in (a) above shall be prepared either by an individual certified in subsurface evaluation pursuant to N.J.A.C. 7:14B-13 or by a licensed site remediation professional. The report shall include the name and address for both the owner and the operator, the underground storage tank system facility registration number, and all applicable case numbers or tank closure approval numbers.

(c) The owner of the property on which an underground storage tank system exists and was closed shall maintain all records generated to comply with the requirements of this subchapter. These records shall be made available to the Department upon request for an indefinite period of time. These records shall be made available for inspection by any authorized local, State and/or Federal representative and shall be submitted to the Department upon request.

SUBCHAPTER 10. PERMITTING REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS

7:14B-10.1 Permit requirements

(a) Any person who owns or operates, or is proposing to own or operate an underground storage tank system shall, except as specified in (b) and (c) below:

1. Obtain a permit from the Department prior to the repair, installation, substantial modification or upgrade of the underground storage tank system, or performance of an activity specified in N.J.A.C. 7:14B-4, 5 and 6 requiring Department approval; and

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2. Obtain a construction permit issued pursuant to the New Jersey Uniform Construction Code, N.J.A.C. 5:23, prior to the repair, installation or upgrade of an underground storage tank system.

(b) An owner or operator of an existing or proposed underground storage tank system need not apply for a permit with the Department when:

1. The underground storage tank and piping being installed, upgraded or modified is or shall be upon completion of installation or modification protected from corrosion, spills and overfills in accordance with N.J.A.C. 7:14B-4.1(a) or 4.2 and is secondarily contained and interstitially monitored in accordance with N.J.A.C. 7:14B-6.4(a)2;

2. The only portion of the tank system being installed is the product piping and the piping is protected from corrosion in accordance with N.J.A.C. 7:14B-4.1(a)2 and designed and constructed to meet the following standards:

i. The piping operates at less than atmospheric pressure;

ii. The piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

iii. Only one check valve is included in each suction line;

iv. The check valve is located directly below and as close as practical to the suction pump; and

v. A method is provided that allows compliance with these requirements to be readily determined (for example, the check valve can be viewed at the dispenser);

3. The only portion of the tank system being installed is the product piping and the piping is protected from corrosion in accordance with N.J.A.C. 7:14B-4.1(a) and is secondarily contained and interstitially monitored in accordance with N.J.A.C. 7:14B-6.4(a)2;

4. The underground storage tank and piping being installed, upgraded or modified is or shall be protected from corrosion, spills and overfills in accordance with N.J.A.C. 7:14B-4.1(a) or 4.2 and the tank is secondarily contained and interstitially monitored in accordance with N.J.A.C. 7:14B-6.4(a)2 and the piping meets the requirements of (b)2i through v above; or

5. The only portion of the underground storage tank system being installed is a spill catchment basin used for spill prevention equipment, and the underground storage tank system is already protected from corrosion and overfills in accordance with N.J.A.C. 7:14B-4.1(a) or 4.2 and has release detection in accordance with N.J.A.C. 7:14B-6. Prior to installation of the new spill catchment basins, the owner or operator shall investigate the ground beneath and around the fill ports for releases. The owner or operator shall report all

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releases and conduct remediation in accordance with the requirements of N.J.A.C. 7:14B-7 and 8.

(c) Installation of replacement appurtenant piping sections (new piping is placed where the old piping was removed) shall not require a permit as long as the appurtenant piping meets standards set forth in N.J.A.C. 7:14B-4.1(a) 2, the entire length of piping from the dispenser to the tank is not being replaced, and the installation does not affect the existing cathodic protection system. Replacement of the entire length of piping from the dispenser to the tank shall constitute a closure of piping and a new installation and require a permit in accordance with (a) above unless it meets the conditions of (b) above.

(d) The Department shall not issue a permit as required in (a)1 above unless the person who owns or operates or proposes to own or operate the underground storage tank system provides evidence in the permit application that the system shall include spill prevention, overfill prevention and corrosion protection in accordance with N.J.A.C. 7:14B-4.1(a)1 through 3, and appropriate release detection monitoring in accordance with N.J.A.C. 7:14B-6.1(a), 6.2 and 6.3.

(e) For the purposes of this subchapter only, the following activities shall not constitute substantial modifications which require a permit issued by the Department:

1. Installation of vapor control systems required by N.J.A.C. 7:27-16, Control and Prohibition of Air Pollution by Volatile Organic Substances;

2. Minor repairs which shall not:

i. Involve cutting the tank shell;

ii. Affect cathodic protection systems; or

iii. Otherwise affect the storage, capacity, physical configuration or integrity of the facility or its monitoring system;

3. The installation of an automatic line leak detector as required in N.J.A.C. 7:14B-6.2(a)2i; or

4. Any other activities which, upon written determination by the Department, shall not affect storage capacity, physical configuration, or the physical integrity of the facility or its monitoring system.

(f) The owner or operator of an underground storage tank system shall maintain at the underground storage tank facility the site diagrams and specifications required by N.J.A.C. 7:14B-10.3(b).

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7:14B-10.2 Permits required in wellhead protection areas

(a) The owner or operator of an underground storage tank system in a wellhead protection area shall obtain a permit from the Department in accordance with N.J.A.C. 7:14B-10.1(a) prior to upgrading the tank system.

(b) Prior to submitting a permit application for the upgrade or substantial modification of underground storage tank systems in wellhead protection areas, a site investigation of the underground storage tank system shall be performed in accordance with the requirements of N.J.A.C. 7:26E.

1. If the site investigation report indicates that a discharge has occurred, the Department shall not issue a permit for the upgrade of the underground storage tank system unless owner or operator:

i. Notifies the Department's Environmental Action Hotline at 877 WARN DEP or 877-927-6337 of the discharge;

ii. Submits a remedial investigation report/remedial action workplan in accordance with the requirements of the Technical Requirements for Site Remediation rules at N.J.A.C. 7:26E; and

iii. Identifies the source of the discharge and documents that the underground storage tank system was repaired or identifies the source of the discharge and submits a plan for repair of the underground storage tank system.

7:14B-10.3 Permit applications

(a) All permit applications shall be submitted on forms provided by the Department obtained from the address noted below and containing the information specified in (b) below. The permit application shall be accurately completed, signed, dated and returned to:

New Jersey Department of Environmental Protection
Division of Remediation Support
Oversight Resources Allocation Element
PO Box 028
401 E. State Street
Trenton, NJ 08625-0028
Attn: UST Permitting Unit

(b) Any owner or operator of an existing or proposed underground storage tank system which requires a Department issued permit shall:

1. Submit with the permit application one copy of the plans and specifications for the proposed installation, modification or upgrade of the underground storage tank system,

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signed and sealed by a New Jersey professional engineer, drawn to scale and depicting the top, front, and side views of the proposed or existing underground storage tank system. Plans submitted shall show all information and details necessary to indicate compliance with this chapter and shall include a certification in accordance with N.J.A.C. 7:14B-1.7(c);

2. Submit a copy of the scaled site diagram showing the size and location of all underground storage tank systems, all existing structures on the site, and distances from lot lines;

3. Submit information documenting soil permeability as required pursuant to N.J.A.C. 7:14B-6.5(a)5 and 6;

4. Submit documentation of the depth to ground water as required pursuant to N.J.A.C. 7:14B-6.5(a)6;

5. Submit all corrosion system designs required pursuant to N.J.A.C. 7:14B-4.1(a) or 4.2. The design of all field installed cathodic protection systems shall be certified in the manner described in (b)1 above by a cathodic protection specialist certified by the Department pursuant to N.J.A.C. 7:14B-13;

6. Submit a detailed description of the upgrade, installation, or repair to be performed;

7. Submit documentation demonstrating the precision of the performance of the release detection monitoring method chosen pursuant to N.J.A.C. 7:14B-6.1, 6.2 and 6.3;

8. Submit a scaled site diagram which accurately indicates the location of all sampling and monitoring points in relation to all underground storage tanks systems at the facility; and

9. Submit a certification in accordance with N.J.A.C. 7:14B-1.7(d) signed by a subsurface evaluator certified by the Department pursuant to N.J.A.C. 7:14B-13, that the number and locations of all vapor or product monitoring points is sufficient to monitor the underground storage tank system should this method of monitoring be chosen.

(c) The Department shall make an administrative review of each application as follows:

1. If the application does not contain all documents and information required pursuant to (a) and (b) above, the Department shall within 30 working days of receipt of the application, either return the application or advise the applicant in writing as to the additional information required to make the application administratively complete and the date by which the additional information must be received by the Department. If an application is returned, the applicant shall be advised in writing as to the additional information required to make the application complete.

2. If the application contains all documents and information required pursuant to (a) and (b) above and is determined to be administratively complete, the Department, within 30 working days of receipt of the application, shall so advise the applicant in writing.

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(d) The Department shall make a technical review of each application within 60 working days after it declares the application administratively complete as follows:

1. If the application does not contain sufficient technical information as required pursuant to (b) above or if the technical information requires clarification, the Department shall so advise the applicant in writing and establish a date by which additional or clarifying information must be received by the Department. If additional or clarifying information is not received by the specified date, the Department may:

- i. Return the application;
- ii. Extend the date by which the applicant must provide the additional or clarifying information; or
- iii. Deny the application pursuant to N.J.A.C. 7:14B-10.8.

(e) The Department shall perform a detailed analysis of the technically complete application and shall develop a staff recommendation to issue the permit or deny the application. The staff recommendation shall include any conditions to be attached to the permit if the recommendation is to issue the permit, or an explanation of the reasons for denial if the recommendation is to deny the application.

(f) The Department shall issue a permit, with any conditions deemed appropriate or the Department shall deny the application in writing with an explanation of the reasons for denial pursuant to the criteria contained in N.J.A.C. 7:14B-10.8.

7:14B-10.4 Public access to permit information

(a) All completed New Jersey Underground Storage Tank permit application forms, as well as documented information pertaining to the permit, shall be considered public records pursuant to N.J.S.A. 47:1A-1 et seq.

(b) Interested persons shall submit a written request for an appointment to review the public records. This written request shall be sent to:

New Jersey Department of Environmental Protection
Bureau of Risk Management,
Initial Notice and Case Assignment
PO Box 435
491 East State Street
Trenton, New Jersey 08625-0435